

**GEORGIA BOARD OF MASSAGE THERAPY  
MINUTES OF BOARD MEETING  
August 27, 2010**

The Georgia Board of Massage Therapy board meeting was held Friday, August 27, 2010, at The Professional Licensing Boards Division offices located at 237 Coliseum Drive, Macon, Georgia.

**The following members were present:**

Jane H. Johnson, Chair  
Melony Phillips, Vice Chair  
Kathy Lescak, Cognizant  
Steve Earles

**Administrative Staff Present:**

Brig Zimmerman, Executive Director  
Janet Jackson, Assistant Attorney General  
Serena Gadson, Licensure Supervisor  
Amanda Allen, Board Support Specialist

**Guest Attendees:**

Beth Duncan, Attorney (City of Macon)

**Ms. Johnson established that a quorum of the Board was present and called the Board meeting to order at 9:03 a.m.**

**Agenda:**

**Ms. Lescak motioned, Ms. Phillips seconded, and the Board voted to approve the agenda as presented. None opposed, motion carried.**

**Board Hearing:**

A hearing before the Board was conducted with Ms. Valerie Simmons, DBA, All American Spa, and Alan Begner, Attorney at Law, before the State Board of Massage Therapy.

**Ms. Phillips motioned, Ms. Lescak seconded, and the Board voted not to issue a Cease and Desist order. None opposed, motion carried.**

**Rule Discussion:**

The Board continued discussion on amendments to the following rules. J Jackson, AAG is continuing her review of the proposed rule amendments for the Board's final vote to post and a Public Hearing to be scheduled:

Rule 345-.3-.02 Applications for Licensure Post July 01, 2007

Rule 345-4-.02 Continuing Education Hours

Rule 345-4-.04 Inactive Status

Rule 345-4-.05 Reinstatement of Licensure

Rule 345-5-.01 Licensure by Endorsement

Rule 345-6-.01 Professional and Unprofessional Conduct

Rule 345-10-.01 General Provisions

Rule 345-10-.03 Advertising

**Board Policy:**

**Mr. Earles motioned, Ms. Lescak seconded and the Board voted to rescind the motion accepting all signed Voluntary Cease and Desist orders. Effective August 27, 2010 all complaint cases must be presented to the Board. Board has requested that the Investigation Division no longer offer Board Hearing notices. The Board will review all case synopsis and determine if a Board Hearing is warranted; if so, the Board will refer the complaint case back to Investigations.**

**XVI-04/11/08- Board Policy: Voluntary Cease & Desist Orders Effective Upon Docketing**

It is the policy of the Georgia Board of Massage Therapy to accept all voluntary Cease and Desist orders upon receipt in the Board office, and, in addition, to authorize the Board Chairperson or his/her designee to execute the Order(s) and to authorize the Order(s) to be docketed and served. It is the intent of the Board that the orders will be in effect upon docketing. The Georgia Board of Massage Therapy will ratify the docketed Cease and Desist orders at its next meeting after the date of docketing and include a list of the approved orders in the Board's meeting minutes.

Effective: 04-11-08: Rescinded: 08-27-2010

**Revised Board Policy: Voluntary Cease and Desist Orders**

It is the policy of the Board that all investigative complaints regarding the possible issuance of any cease and desist orders must be presented to the Board prior to any order being issued or accepted and a hearing scheduled before the Board.

Effective: 08-27-10

**Ms. Lescak motioned, Mr. Earles seconded, and the Board voted to accept the revised Voluntary Cease and Desist Order policy as stated above. None opposed, motion carried.**

**Petition for Waiver/Variance Requests:**

1. Brandon Baer- Rule 345-4-.02 Continuing Education Hours

**Ms. Phillips motioned, Mr. Earles seconded, and the Board voted to accept the waiver request. The remaining required seven hours of continuing education may be obtained via online. Licensee must submit all required hours to the Board for review upon completion. None opposed, motion carried.**

2. Kristina Duggan- Rule 345-4-.02 Continuing Education Hours  
The Board could not reach a majority vote; therefore, the waiver request was denied.

3. Susan Bates- Rule 345-4-.02 Continuing Education Hours  
The Board could not reach a majority vote; therefore, the waiver request was denied.

4. Liuyn Qian- waiver request was not required. References were included with application.

5. Melony Phillips- Rule 345-4-.02 Continuing Education Hours

The Board could not reach a majority vote; therefore, the waiver request was denied.

**Ms. Phillips motioned, and Ms. Lescak seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. § 43-1-2(k) (1) (2), O.C.G.A. § 50-14-2(1), O.C.G.A. § 43-1-2-(k) (4), O.C.G.A. § 43-1-19 (h) (2) & (4) to receive and review information pertaining to Applications, receive the Attorney General’s, Cognizant, and Enforcement Reports. Voting in favor of the motion were those present who included Board members Johnson, Phillips, Lescak and Earles.**

**Applicant Interviews:**

**Ms. Phillips motioned, and Mr. Earles seconded, and the Board voted to take the following action on applicants for licensure by Application appearing before the Board:**

- Cantwell, Seana Approved for Licensure

2010-2011 Officer Elections:

**Ms. Phillips motioned, Ms. Lescak seconded, and the Board voted to re-elect Ms. Jane Johnson as Chair. None opposed, motion carried**

**Ms. Phillips motioned, Mr. Earles seconded, and the Board voted to elect Ms. Kathy Lescak as Vice-Chair. None opposed, motion carried.**

**Additional Business:**

1. Board voted to schedule a conference call on September 15<sup>th</sup> @ 1:00 p.m.

**There being no additional business to discuss, Mr. Earles motioned, Ms. Lescak seconded, and the Board voted to adjourn the meeting at 5:00 p.m.**

<b>Minutes recorded by:</b>	Amanda Allen, Board Support Specialist
<b>Minutes reviewed and edited by:</b>	Brig Zimmerman, Executive Director

\_\_\_\_\_  
 Jane H. Johnson, Chair  
 Georgia State Board of Massage Therapy

\_\_\_\_\_  
 Brig Zimmerman, Executive Director  
 Professional Licensing Boards Division

These minutes were approved on: October 27, 2010